

SEP 0 2 2004

AF 61

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/843,423

Filing Date April, 25, 2001

First Named Inventor Jenkins

Art Unit 2675

Examiner Name Ming-Hun LIU

Total Number of Pages in This Submission

98

Attorney Docket Number X0104E

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SEP 0 3 2004

Technology Center 2600

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Firm or Individual name	Christopher M. Tucker Reg. No. 48,783
Signature	<i>Christopher M. Tucker</i>
Date	9/1/04

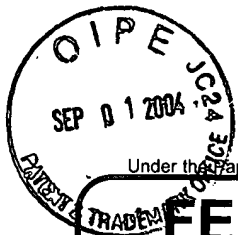
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Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 277.00)

Complete if Known

Application Number	09/843,423
Filing Date	April 25, 2001
First Named Inventor	Jenkins
Examiner Name	Ming-Hun LIU
Art Unit	2675
Attorney Docket No.	X0104E

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
18-0080
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-20** = 6	9	54
Independent Claims	4	-3** = 1	43
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 97.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051 130		2051 65		Surcharge - late filing fee or oath
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet
1053 130		1053 130		Non-English specification
1812 2,520		1812 2,520		For filing a request for ex parte reexamination
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action
1251 110		2251 55		Extension for reply within first month
1252 420		2252 210		Extension for reply within second month
1253 950		2253 475		Extension for reply within third month
1254 1,480		2254 740		Extension for reply within fourth month
1255 2,010		2255 1,005		Extension for reply within fifth month
1401 330		2401 165		Notice of Appeal
1402 330		2402 165		Filing a brief in support of an appeal
1403 290		2403 145		Request for oral hearing
1451 1,510		1451 1,510		Petition to institute a public use proceeding
1452 110		2452 55		Petition to revive - unavoidable
1453 1,330		2453 665		Petition to revive - unintentional
1501 1,330		2501 665		Utility issue fee (or reissue)
1502 480		2502 240		Design issue fee
1503 640		2503 320		Plant issue fee
1460 130		1460 130		Petitions to the Commissioner
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)
1806 180		1806 180		Submission of Information Disclosure Stmt
8021 40		8021 40		Recording each patent assignment per property (times number of properties)
1809 770		2809 385		Filing a submission after final rejection (37 CFR 1.129(a))
1810 770		2810 385		For each additional invention to be examined (37 CFR 1.129(b))
1801 770		2801 385		Request for Continued Examination (RCE)
1802 900		1802 900		Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Christopher M. Tucker	Registration No. (Attorney/Agent)	48,783	Telephone	703-654-3528
Signature	Christopher M. Tucker	Date	9/1/04		

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s):

Docket No.

X0104E

Serial No.

09/843,423

Filing Date

4/25/2001

Examiner

MING-HUN LIU

Group Art Unit

2675

Invention ☒ Wireless Pen Input Device

SEP 01 2004

PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Xybernaut Corporation
Serial Number : 09/843,423
Filing Date : April 25, 2001
For : Wireless Pen Input Device
Examiner/Art Unit : Ming-Hun Liu/2675

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**RESPONSE TO FINAL OFFICE ACTION AND REQUEST FOR
RECONSIDERATION**

In response to the Final Office Action mailed July 12, 2004, the period for response extending until October 12, 2004, Applicant respectfully requests reconsideration for the reasons set forth below.

Amendment to the Claims begin on page 2.

Remarks begin on page 8 of this paper.

09/03/2004 CNGUYEN 00000001 180080 09843423

02 FC:2202 54.00 DA
03 FC:2201 43.00 DA